

COASTAL CONSERVANCY

Staff Recommendation

June 25, 2015

RICHARDSON-KASHIA ACQUISITION AND CALIFORNIA COASTAL TRAIL EXTENSION

Project No. 15-011-01

Project Manager: Lisa Ames

RECOMMENDED ACTION: Authorization to disburse up to \$500,000 to the Trust for Public Land to acquire the 688-acre parcel known as the Richardson-Kashia property for the purposes of natural resource protection and public access in coastal Sonoma County.

LOCATION: 29001 Highway 1, Stewarts Point, Sonoma County

PROGRAM CATEGORY: Reservation of Significant Coastal Resource Areas

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Project Photos](#)

Exhibit 3: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31350-31356 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand (\$500,000) to the Trust for Public Land (TPL) to acquire real property commonly known as the Richardson-Kashia property, Sonoma County Assessor Parcel Numbers 122-290-001 and 122-290-002 (“the property”) as shown on Exhibit 1 to the accompanying staff recommendation, in coastal Sonoma County.

This authorization is subject to the following conditions:

1. Prior to disbursement of any Conservancy funds, TPL shall:
 - a. Submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”) all relevant acquisition documents, including without limitation, appraisals, environmental assessments, title reports, purchase agreements, escrow instructions and documents of title.
 - b. Obtain all other funds necessary to complete the acquisition.

2. TPL shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer or the Department of General Services.
3. TPL shall permanently dedicate the property in a manner acceptable to the Executive Officer for the purpose of protecting habitat and open space, providing public access and other uses consistent with the conservation easement to be placed on the property. TPL may transfer the property to Kashia Band of Pomo Indians of Stewarts Point Rancheria if the Tribe has entered into an agreement with the Conservancy sufficient to protect the public interest in the property, including: a) a waiver of sovereign immunity with respect to protection of such interests and b) restrictions on the use of the property consistent with Public Resources Code section 31116(b).
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property that has been reviewed and approved by the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 8 of Division 21 of the Public Resources Code, regarding reservation of significant coastal resource areas. The property will be used for purposes consistent with section 31351 of the Public Resources Code.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Trust for Public Land is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and its purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

The proposed authorization would enable the Trust for Public Land (TPL), a non-profit organization, to acquire the approximately 688-acre Richardson Ranch property in Sonoma County (“the property”) and transfer it to the Kashia Band of Pomo Indians of Stewarts Point Rancheria (“Kashia”) for stewardship and management. The Kashia will protect the land from development in perpetuity and manage the property for habitat protection, sustainable forest management, cultural resource preservation and future public access along a coastal trail.

The Sonoma County Agricultural Preservation and Open Space District (“SCAPOS”) will contribute to the acquisition through the purchase of a conservation easement that will extinguish all subdivision and development potential and restrict timber harvesting. SCAPOS will require a natural resource management plan which will include a forest management plan and grassland management plan. The Sonoma County Parks and Recreation Department (“County Parks”) will hold a trail easement over the portion of the Property west of Highway 1. Prior to any public construction and access activity, County Parks will finalize a conceptual trail plan approved by the Kashia Tribal Council.

The future trail will connect to Salt Point State Park to the south, extending the California Coastal Trail by a mile, include an unpaved staging area, and feature interpretive information about the natural and cultural resources of the Property. County Parks will lead the effort to raise funds for trail construction, and has agreed to operate and maintain the trail. It is likely that the County will return to the Conservancy for additional support to construct the trail.

The property is located on the Sonoma Coast, 2.5 miles south of Stewarts Point, north of and adjacent to Salt Point State Park. It straddles State Highway 1. It includes a mile of dramatic California coastline with rare coastal prairie habitat that includes populations of two plant species rated as threatened by the California Native Plant Society - the swamp harebell and Coast lily. The property represents a linchpin in an eight mile stretch of protected coastline from Stillwater Cove Regional Park to the Sonoma Land Trust's Rocky Point conservation easement just south of Stewarts Point (see Exhibit 1). Two streams drain the property, dropping into the California Coastal National Monument as rare coastal waterfalls (See Exhibit 2). In addition, the entire property contains a very high concentration of culturally significant sites to the Kashia, the historic inhabitants of this coastal area.

The inland portion of the property contains an estimated 600 acres of coniferous forest that provides suitable habitat for the federally-threatened and California-endangered marbled murrelet and federally-threatened northern spotted owl. The property will be managed to maintain threaten species habitat and sequester carbon by creating a late seral stage forest (i.e. old growth condition). Timber cutting will be restricted to those activities that further that goal such as limited thinning or creating large woody debris for habitat. Commercial forestry is not a goal of the project, but timber may be harvested to improve ecological conditions, thereby furthering the conservation purposes.

TPL has secured a right to purchase the property through September 11, 2015 for a price of \$6,000,000, a \$1,000,000 reduction from the estimated fair market value. This creates a time-sensitive opportunity to permanently protect the property's significant natural resources, extend the California Coastal Trail by a mile from Salt Point State Park, and return invaluable ancestral lands to the Kashia.

Archeological evidence indicates the tribe has used the Stewarts Point area and the surrounding shoreline for 12,000 years, according to Kashia Tribal Chairman Reno Franklin. It has been a source of food including mussels, abalone, seaweed and fish, as well as a place for tribal ceremonies. Ownership of the property will provide the Kashia unfettered access to the coast for the first time in over 150 years and allow them to devote much of the property to their cultural, traditional, spiritual and ceremonial activities. The conservation easement held by SCAPOSD will insure these activities are in accordance with sound conservation practices, and the trail easement will allow public access to this dramatic coastal property.

TPL is very qualified to carry out this complex acquisition. Since 1972, TPL has completed more than 4,250 park and conservation projects in communities nationwide, including in the Virgin Islands and Puerto Rico. The Conservancy has supported TPL on numerous acquisition projects in the past, ranging from the 7,000 acre Coast Dairies acquisition in Santa Cruz County, to the 123-acre Point Arena Ranch acquisition in Mendocino County, to the 5.6-acre EcoVillage Farm Center Acquisition in the City of Richmond.

Site Description:

The 688-acre property is a single legal parcel straddling Highway 1, immediately north of Salt Point State Park. 52 acres are on the coastal side and 636 acres are on the inland side of the highway. The inland portion of the property contains an estimated 600 acres of coniferous forest, including approximately 356 acres of coast redwoods (*Sequoia sempervirens*; 60%), 210 acres of bishop pine (*Pinus muricata*; 35%), and 29 acres of tanoak (*Lithocarpus densiflorus*; 5%). This provides suitable habitat for the federally-threatened and California-endangered marbled murrelet (*Brachyramphus marmoratus*) and federally-threatened northern spotted owl (*Strix occidentalis*).

The coastal portion of the property contains primarily coastal prairie habitat and provides spectacular views of Sonoma County's rocky coast and intertidal zones. Observant hikers are rewarded with sightings of marine mammals, birds and migrating whales. (See Exhibit 2 for photos of the property.) There are populations of two plant species – the swamp harebell (*Campanula californica*) and Coast lily (*Lilium maritimum*) – on the property which are rated as threatened by the California Native Plant Society. In addition to the natural resources found there, the entire property contains a very high concentration of culturally significant sites to the Kashia.

Project History:

The property has been owned by the Richardson family since 1925 when the grandparents of the current owners (3 siblings) bought it. The grassland portion of the property has been grazed for decades and the forested portion has been occasionally harvested to provide family income, most recently in 2004. A Timber Harvest Plan was approved last year allowing it to be substantially harvested once again, but the family held off implementing the harvest plan this year, as part of the terms of the purchase option agreement with TPL. The property has always been in a natural and undeveloped state, except for a single family residence and associated structures.

More than a decade ago, conservation groups attempted to negotiate a purchase of the property, but were unable to come to agreement with the property owners. The Kashia have been in discussions with the current owners about purchasing the property since 2005, although they did not have sufficient funds to acquire the property. In 2007, Coastal Conservancy staff approached the owners of this property to explore the possibility of purchasing a trail easement along the coast, as currently hikers must walk along the shoulder of Highway 1; no agreement was reached at that time. The Kashia contacted TPL for assistance in March 2013, and then, following TPL's purchase of an option in October 2014, SCAPOSD started working intensively on the project. Both the Conservancy and SCAPOSD informed the Kashia and TPL that any public funding for the project would require a public access component. Once it was clear that the Kashia were open to a public trail, SCAPOSD brought in County Parks as a partner to the project to develop the conceptual trail plan.

The coastal trail will be made possible through this innovative partnership between the Conservancy, TPL, the Kashia, SCAPOSD and County Parks. Coastal Conservancy staff has been involved in the development of the conceptual trail plan west of Highway 1, which has been approved by the Kashia Tribal Council.

PROJECT FINANCING

Coastal Conservancy	\$500,000
California Department of Natural Resources Environmental Enhancement and Mitigation Program	\$500,000
Sonoma County Agricultural Preservation & Open Space District (Expected August 2015)	\$2,500,000
<u>Lannan Foundation (Expected August 2015)</u>	<u>\$2,500,000</u>
Project Total	\$6,000,000

The fair-market appraised value of the property is expected to be approximately \$7 million. TPL has secured a bargain-sale purchase agreement of \$6 million. The Lannan Foundation in New Mexico has already provided \$150,000 to purchase an option on the property, with the understanding that TPL would solicit additional funding from the Foundation to close the funding gap.

The Trust for Public Land is contributing staff time as well pre-acquisition costs such as the non-attributable option consideration, timber inventory, land & timber appraisals, environmental inspections, and other due diligence and closing costs.

SCAPOSD and County Parks are also contributing substantially to the costs of acquisition, including approximately \$20,000 of pre-acquisition costs such as property and cultural surveys, appraisal review, as well as in-kind contributions of legal, project management and other staff time of about 1,000 hours.

The anticipated source of Conservancy funding for this project is the F/Y 2009 appropriation of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 ("Proposition 84"), codified at Public Resources Code ("PRC") section 75001 et seq. A portion of these funds are authorized specifically for projects in the San Francisco Bay Area whose watersheds drain directly to the ocean. Proposition 84 authorizes the use of these funds for the purpose of protecting natural habitat values of coastal lands of the state and for promoting access to and enjoyment of coastal resources of the state (PRC § 75060). Conservancy projects funded pursuant to Proposition 84 must be consistent with Division 21, i.e., the Conservancy's enabling legislation (PRC § 75060(b)). Finally, for projects that include the acquisition of property for natural resource protection, Proposition 84 requires the Conservancy to give priority to those that meet one or more of the criteria identified at PRC section 75071.

The proposed acquisition satisfies three of the specified criteria in Section 75071: subsection (a) the project will link 688 acres of protected late seral forest to the existing protected area of Salt Point State Park and serve to facilitate wildlife movement, botanical transfer, and result in sustainable, combined acreage; subsection (c) acquisition of the property will support a relatively large area of under-protected major habitat types including coastal prairie and coastal coniferous forest; and subsection (e) the project is

supported by significant non-state matching funds – the private Lannan Foundation and SCAPOSD will contribute 10 times the Conservancy’s funding and the landowner is contributing an additional \$1,000,000 in the form of a bargain sale. As also required by Section 75071, staff have submitted to the Resources Agency and have posted on the [Conservancy’s website](#) an explanation as to how the proposed acquisition meets these criteria.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapter 8 (Sections 31350-31356) of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code.

The proposed acquisition is consistent with Section 31350 because the project will help to acquire and protect key coastal resource lands that would otherwise be lost to public use through commercial timber harvest and potential sale. Consistent with Section 31351(a), the Conservancy is authorized to cooperate with nonprofit organizations to ensure the reservation of interest in real property for the purposes of Division 21, as well as for park, fish and wildlife habitat, and scientific study in order to meet the policies and objectives of the Coastal Act or a certified local coastal plan or program.

The Richardson-Kashia acquisition will help meet the objectives of Chapter 9 of Division 21, which directs the Conservancy to assist in establishing a system of public accessways to and along the coast, and provide for management of these accessways (PRC § 31400.1).

The proposed project helps meet the objectives of the Sonoma County Local Coastal Program. (See “Consistency with Local Coastal Program Policies” below). Additionally the acquisition also implements several Coastal Act policies (see “Promotion and implementation of state plans and policies,” below).

Consistent with Section 31352, the Conservancy may assist TPL in providing a grant to acquire the property as TPL’s limited financial resources prohibit it from acquiring the property without further financial assistance. The acquisition cannot occur without the Conservancy’s support due to the significant costs of the timbered property and the limited grant funds available for such acquisitions.

Thus, the proposed funding authorization is consistent with Chapter 8 because it protects a key coastal property that otherwise would be lost to public use; the acquisition serves several purposes of Division 21, and protects important wildlife habitat required to meet the policies and objectives of the Sonoma County Local Coastal Program and the California Coastal Act.

**CONSISTENCY WITH CONSERVANCY’S 2013
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 1, Objective E** of the Conservancy’s 2013-2018 Strategic Plan, the proposed project will secure property interests to facilitate development of the California Coastal Trail.

Consistent with **Goal 2, Objective B**, the project will open a coastal area that is currently closed to the public.

Consistent with **Goal 2, Objective G**, the acquisition will result in the development of a new coastal accessway.

Consistent with **Goal 4, Objective A**, the project will protect a 688-acre significant coastal resource property.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:** By securing property that will facilitate the development of the Coastal Trail and protect natural coastal resources, the proposed acquisition project serves to promote and implement several state plans, including:
 - *Coastal Act (1976)*, Public Resources Code Sections 30210 and 30214 on public access and recreation that call for "maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." Public Resources Code Section 30240 requires environmentally sensitive habitat areas be protected against any significant disruption of habitat values.
 - *Completing the California Coastal Trail Report (2003, Coastal Conservancy)*, which identifies the need to work with private landowners to acquire additional public access rights west of Highway 1 extending northward from Salt Point State Park for the development of a blufftop trail and recreational support facilities. (page 44 #3).
 - *California @ 50 Million: The Environmental Goals and Policy Report (2013 Draft, Governor's Office of Planning and Research)* including: 1) Goal #1 Preserve and Steward State Lands and Natural Resources; and 2) Goal #2 Build Sustainable Regions that Support Healthy and Livable Communities, Key Action #3 to "support and invest in active transportation projects, such as walking and biking infrastructure, including safe-routes-to-schools."
 - *California Climate Adaptation Strategy: Reducing Climate Risk Plan* (July 2014) by creating a large scale well-connected sustainable system of protected areas and by conserving forestland to sequester carbon to enhance biodiversity and habitat (page 59).
4. **Support of the public:** The project has wide public support as evidenced by Exhibit 3: Project Letters.

5. **Location:** The proposed project would be located within the coastal zone of Sonoma County.
6. **Need:** Without Conservancy support, TPL will be unable to close the funding gap to purchase the property and will thus lose the opportunity to protect the valuable natural resources of this coastal property and open to the public a mile of coastal trail.
7. **Greater-than-local interest:** The project is of state-wide significance for several reasons. It:
 - Extends, creates new access points to and adds interpretive elements to the California Coastal Trail, which is a state-wide recreational resource.
 - Buffers Salt Point State Park, also a state-wide recreational resource, from the possibility of encroaching development or intensive timber production.
 - Protects the scenic viewshed from State Highway 1, which is a popular cross-state tourism route.
 - Protects a significant swath of the coastal redwood ecosystem, providing regional connectivity for wildlife to and from Salt Point State Park and other large tracts of natural lands.
 - Protects habitat for several threatened and endangered species, as described above.

For these reasons, the broader public will benefit from the project. The Kashia will also benefit, as the property contains a high concentration of culturally significant sites and would provide the Kashia unfettered access to the coast for the first time in over 150 years.

8. **Sea level rise vulnerability:** While the property is not vulnerable to flooding from rising sea levels or storm surges because of the 70-foot elevation of its coastal bluffs, these forces are expected to cause erosion of the bluffs and a gradual receding of the shoreline. This poses a risk to the proposed coastal trail. However, this risk has been carefully considered and mitigated in the project design. The trail easement is generally 50 feet wide, thus allowing the trail to be re-routed further inland to escape a receding shoreline. Furthermore, the trail easement itself can be relocated if coastal erosion renders a part or all of the existing alignment unusable.

Additional Criteria

9. **Urgency:** Opportunity to purchase the property is fleeting as the purchase agreement expires in September of this year. If the acquisition is not completed, the landowners will likely act on their approved Timber Harvest Plan to generate needed near-term cash flow, and a good deal of the forest resources will be lost.
10. **Resolution of more than one issue:** The project will result in multiple benefits that include permanently protecting the property's significant natural resources with a conservation easement, extending the California Coastal Trail by a mile from Salt Point State Park, and returning invaluable ancestral lands to the Kashia.
11. **Leverage:** See the "Project Financing" section above.
12. **Readiness:** TPL has a signed purchase agreement with a willing seller, completed a Phase I environmental assessment and a preliminary title report, and has funding approval from the California Department of Natural Resources Environmental Enhancement Mitigation Fund. TPL has drafted the conservation easement with SCAPOSD, a trail easement with County

Parks, and expects project approval from the SCAPOSD Board of Directors in July 2015 and approval from the Lannan Foundation July 2015.

13. **Realization of prior Conservancy goals:** “See “Project History” above.”
14. **Cooperation:** TPL is partnering with the Kashia, SCAPOSD and County Parks to realize the project.
15. **Vulnerability from climate change impacts other than sea level rise:** The property itself is well suited to adapt to a changing climate, with elevations ranging from approximately 70 feet to approximately 950 feet, transitioning from coastal grasslands to coniferous forest, thus allowing for a gradual retreat of species. Furthermore, the property’s connectivity to adjacent protected lands will allow species to migrate without impediment as circumstances may require. The conservation easement will incorporate flexibility by requiring a natural resource management plan that includes a forest management plan and grassland management plan. This Plan will be updated periodically to adapt to a changing climate and other factors. To mitigate the risk of catastrophic wildfire, the Plan and the conservation easement will include forest management provisions that allow and encourage that Kashia to manage the forest for ecological health and fire resilience.
16. **Minimization of greenhouse gas emissions:** The conservation easement will restrict forest management practices on the property so that the forest returns to a late successional stage. This restriction will be monitored and enforced by SCAPOSD. This strategy will increase the level of carbon sequestration on the property and is expected to more than mitigate for any increase in greenhouse gas emissions that the project may cause, whether from increased public access to the property or use of the property by the Kashia. Furthermore, the property will be actively managed to preserve and enhance the property’s functionality as a carbon sink. Forests in the Coast Range are hugely productive, and studies have shown that they can store carbon at a rate equivalent to tropical forests. The Kashia is investigating the potential of, although has no immediate plans for the sale of carbon credits.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The *Sonoma County Local Coastal Program (LCP)*, certified in 1981 and revised and incorporated into the *Sonoma County General Plan 2020 (2008)*, identifies the need for public action and assistance to resolve existing problems in special resource areas including coastal prairie and grassland, and coastal woodlands. The project advances policies of the Plan which establishes that “environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values” (policy 30240) and calls for protecting and enhancing public access to the coast (policy 30212 et seq)

The proposed authorization advances numerous goals of the *Sonoma County General Plan 2020* by protecting the largely open, scenic character of an important Scenic Landscape Unit; preserving the roadside landscape of scenic Highway One (Goal OSRC-3); preserving the unique rural and natural character of the area (Goal OSRC-6); protecting the County’s natural habitats (Goal OSRC-7); preserving, sustaining and restoring forestry resources for their conservation, recreation and open space values (Goal OSRC-12); protecting significant archaeological and historical sites that represent the ethnic, cultural and economic groups that have lived and worked in Sonoma County, including Native American populations (Goal OSRC-19).

COMPLIANCE WITH CEQA: Acquisition of the property is categorically exempt from the requirements of the California Environmental Quality Act under 14 Cal. Code of Regulations Section 15325 because it involves the acquisition of ownership interests in land to preserve open space and wildlife habitat or restore natural conditions, including plant or animal habitats. Staff will file a Notice of Exemption upon approval of the project.